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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 72.107
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
INTERNATIONAL APPLICATION NO. PCT/EP2004/013338	INTERNATIONAL FILING DATE 24 November 2004	PRIORITY DATE CLAIMED 10 December 2003
TITLE OF INVENTION <i>Percussion Hammer and/or Drill Hammer Comprising a Handle Which can be Guided in a Linear Manner</i>		
APPLICANT(S) FOR DO/EO/US Berger et al.		
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none">1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.4. <input checked="" type="checkbox"/> The US has been elected (Article 31).5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))<ol style="list-style-type: none">a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).<ol style="list-style-type: none">a. <input checked="" type="checkbox"/> is attached hereto.b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))<ol style="list-style-type: none">a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).b. <input checked="" type="checkbox"/> have been communicated by the International Bureau.c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.d. <input type="checkbox"/> have not been made and will not be made.8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). <p>Items 11 to 20 below concern document(s) or information included:</p> <ol style="list-style-type: none">11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.13. <input checked="" type="checkbox"/> A preliminary amendment.14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.15. <input checked="" type="checkbox"/> A substitute specification. (Appendix A – clean version; Appendix B – marked up version)16. <input type="checkbox"/> A power of attorney and/or change of address letter.17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		

This collection of information is required by 37 CFR 1.414 and 1.491–1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.**
SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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20. Other items or information: Appointment of Domestic Representative		
The following fees have been submitted		CALCULATIONS PTO USE ONLY
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))	\$300	\$ 300
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of the PCT Article 33(1)-(4)	\$0	\$ 200
All other situations	\$200	
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of the PCT Article 33(1)-(4).	\$0	\$ 400
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority	\$100	
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.	\$400	
All other situations	\$500	
TOTAL OF 21, 22 and 23 =		\$ 900
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing IN COMPLIANCE WITH 37 cfr 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.		\$ 0
Total Sheets	Extra sheets	
-100 =	0 /50 =	
Number of each additional 50 or fraction thereof (round up to a whole number)		0
RATE		x \$250
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of the commencement of the national stage (37 CFR 1.492(h)).		\$ 0
CLAIMS	NUMBER FILED	NUMBER EXTRA
Total claims	10 - 20 =	0
Independent claims	2 - 3 =	0
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$360
TOTAL OF ABOVE CALCULATIONS =		\$ 900
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.		\$ 900
SUBTOTAL =		\$ 900
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		\$ 0
TOTAL NATIONAL FEE =		\$ 900
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		\$ 0
TOTAL FEES ENCLOSED =		\$ 900
		Amount to be refunded:
		\$
		Amount to be charged:
		\$

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 50-1170 in the amount of \$ 900 to cover the above fees.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1170. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

National Phase of PCT/EP2004/013338

International Filing Date: 24 November 2004

Inventor: BERGER et al.

Title: *Percussion Hammer and/or Drill Hammer Comprising a Handle Which Can be Guided in a Linear Manner*

Priority: German Patent Application No. 103 57 758.0; filed 10 December 2003

COMMISSIONER FOR PATENTS

P.O. Box 1450

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APPOINTMENT OF DOMESTIC REPRESENTATIVE

Applicant appoints BOYLE FREDRICKSON NEWHOLM STEIN & GRATZ S.C., a firm of professional corporations, and **all attorneys associated with Customer Account No. 23598 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.**

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WACKER CONSTRUCTION EQUIPMENT AG

Date: March 22, 2006

By: [Signature]

Name: XINGEN GENTZ Thomas Dreier

Title: General Counsel Auditor